REMARKS

Amendments have been made to claims 1-18 and 30; claims 19-29 and claim 31 have been cancelled without prejudice, and new claims 33-38 have been entered. Claims 1-18 and 30 having been amended, and claims 19-29 and 31 having been cancelled without prejudice, and new claims 33-38 having been added, the claims now pending in the present application are amended claims 1-18, amended claim 30, original claim 32, and new claims 33-38.

As indicated above, the Office Action mailed July 8, 2002 has been carefully reviewed and considered. The courtesies provided by the Examiner to the Applicant by providing the reminders noted in numbered paragraph 1 are noted with appreciation.

On pages 2 and 3 of the Office Action, the claims are rejected as being based upon a defective reissue declaration. The Applicant wishes to substitute a new declaration submitted herewith for the declaration previously submitted. Please find the new declaration enclosed herewith.

On page 3, claims 1-14 and 30 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In response, each of these claims has been amended. In view of the amendments to the claims, reconsideration of the claims is now requested. Insofar as the § 112 rejections may be maintained with respect to the amended claims, reconsideration and withdrawal of the rejection is respectfully requested.

On page 4 of the Office Action, claims 15, 19, 23-29 are rejected under § 103(a) as being unpatentable over prior art cited by the Examiner. In response, claim 15 and its dependent claims, 16-18, have been amended and claims 19-29 have been cancelled without prejudice. In view of the amendments, reconsideration and allowance of the amended claims is respectfully requested.

On page 6, claim 31 is rejected under § 103(a). Claim 31 has now been cancelled without prejudice, however, so it is respectfully submitted that this rejection is now moot.

The courtesies extended to the Applicant in numbered paragraphs 11-13, indicating claims containing allowable subject matter, and in numbered paragraph 14 providing a statement of reasons for the indication of allowable subject matter, are noted with appreciation.

The prior art made of record and not relied upon has been reviewed and considered by the undersigned attorney, Banks and Azuma et al., show frame adjustment mechanisms as do Beatriz et al. and Buratovich. Wheatley discloses a connector assembly for a truck cover. It is respectfully submitted, however, that none of the newly cited prior art references is believed to render the pending claims unpatentable when taken either alone or in combination with any of the other references cited of record in the present application.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In view of the foregoing, it is believed that the application is now in condition for allowance; notification to that effect is earnestly solicited.

Enclosed as part of the Amendment Transmittal filed with this Response is a Petition for Extension of Time requesting an extension of time of one month to respond to the outstanding Office Action mailed July 8, 2002, thereby extending the deadline for filing a timely Respond to the outstanding Office Action from October 8, 2002 to November 8, 2002. Consideration of the Petition is respectfully requested.

Please charge any deficiencies, additional fees or surcharges necessary to make this response timely to the Deposit Account of the undersigned firm of attorneys, Deposit Account No. 13-4300, and credit overpayment thereto. Thank you.

The Examiner is respectfully urged to contact the undersigned attorney if there are any further matters standing in the way of the allowance of the above-identified application and it is believed that these matters can be addressed in a telephone conference. The Examiner's consideration in this regard will be appreciated.

Respectfully submitted,
for the Applicant
by his Attorneys,

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Version with Markings to Show Changes Made

Claims 1-18 have been amended as follows:

1. (Amended) An adjustable assembly for a cargo box cover for use on a cargo box having upwardly extending left and right side walls, ~~a front wall and a rear end gate wall, said walls defining the boundaries of the cargo box,~~ the cargo box cover having ~~a~~ left and right side rails ~~rail~~ connected to said left and right side walls, respectively, an elongate tensioning rail having ~~a~~ left and right ends ~~end~~, said elongate tensioning rail extending from said left side rail to said right side rail, and ~~further having~~ a flexible cover fixedly attached to ~~along~~ said elongate tensioning rail, said adjustable assembly comprising:

left and right adjustable threaded screw connection mechanisms; the threaded screw connection mechanisms including respective left and right secured portions secured ~~block means connected~~ to said left and right side rails ~~rail~~, respectively; ~~a~~ respective left and right adjustable portions ~~attachment block means~~ connected to said left and right end of said tensioning rail, respectively; and respective ~~an~~ adjustable ~~connection means for connecting said tensioning rail to said left and right rail~~ screws interconnecting the respective adjustable portions to the respective secured portions.

2. (Amended) The ~~An~~ adjustable assembly of ~~as in~~ claim 1, ~~wherein~~ each of said left and right secured portions having ~~block means connected to said left and right rail comprises a~~ front and rear block sections ~~section~~ connected to a base block section so as to define a space between said front and rear block section, said front and rear block sections further defining a hole in an aligned orientation so as to pass through said front and rear block sections and across the ~~said~~ space between the ~~said~~ front and rear block sections.

3. (Amended) The ~~An~~ adjustable assembly ~~as in~~ of claim 2, wherein each of said left and right adjustable portions include ~~attachment block means comprises~~ an attachment block section having an elongate threaded ~~treaded~~ tension screw fixedly attached to said attachment block section and extending through said front and rear block sections spanning the ~~said~~ space between the ~~said~~ front and rear block sections.

4. (Amended) The ~~An~~ adjustable assembly of ~~as in~~ claim 3, further comprising a screw adjustment knob between said front and rear block section defining an inner threaded hole for receiving said threaded tension screw.

5. (Amended) The ~~An~~ adjustable assembly of ~~as in~~ claim 4, further comprising a graduated measuring scale on said left and right side rail so as to provide a measurement guide for accurate adjustment of the respective ~~accurately adjust said~~ left and right sides of the ~~said~~ tensioning rail with ~~in~~ respect to the ~~said~~ left and right side rail.

6. (Amended) The ~~An~~ adjustable assembly of ~~as in~~ claim 5, wherein said hole defined by said front and rear block sections is of a larger diameter than said threaded tension screw.

7. (Amended) The ~~An~~ adjustable assembly of ~~as in~~ claim 1, wherein said left and right secured portions are ~~block means is~~ fixedly connected to said left and right side rails ~~end of said tensioning rail~~ and said left and right adjustable portions are engaged with ~~attachment block means is fixedly connected to~~ said left and right ends of said tensioning rail.

8. (Amended) An adjustable tonneau cover for a cargo box having ~~that comprises~~ upwardly extending left and right side walls, a front wall, and a rear end gate wall said walls defining the boundaries of the cargo box, the adjustable cover assembly comprising:

left and right side rails connectable ~~connected~~ to said left and right side walls, respectively;

an elongate tensioning rail having left and right ends, said tensioning rail extending from said left side rail to said right side rail; and

left and right adjustable threaded screw connection mechanisms including:

~~a~~ left and right securing blocks ~~block means~~; said securing blocks being connected to said left and right side rails, respectively;

~~a~~ left and right adjustable engaging ~~attachment~~ blocks ~~block means connected to~~; said adjustable engaging blocks being engaged with said left and right ends ~~end~~ of said tensioning rail, respectively; and

left and right ~~an~~ adjustable connection mechanisms ~~means for~~ connecting the respective securing blocks to the respective adjustable engaging blocks ~~said tensioning rail to said left and right rail~~.

9. (Amended) The ~~An~~ adjustable tonneau cover of ~~for a cargo box as in~~ claim 8, ~~wherein~~ each of the ~~said~~ left and right securing blocks ~~block means connected to said left and right rail comprises a~~ having front and rear block sections ~~section~~ connected to a base block section so as to define a space between the ~~said~~ front and rear block sections, the front and rear block sections

further defining openings ~~a hole~~ in an aligned orientation so as to pass through both of said front and rear block sections ~~section across said space between said front and rear block sections~~.

10. (Amended) The ~~An~~ adjustable tonneau cover of ~~for a cargo box as in~~ claim 9, wherein each of said left and right adjustable engaging blocks ~~attachment block means comprises~~ include an attachment block section having an elongate threaded tension screw fixedly attached to said attachment block and extending through said front and rear block sections spanning the ~~said~~ space between the ~~said~~ front and rear block sections ~~section~~.

11. (Amended) The ~~An~~ adjustable tonneau cover of ~~for a cargo box as in~~ claim 10, further comprising a screw adjustment knob between said front and rear block sections ~~section~~ defining an inner threaded opening ~~hole~~ for receiving said threaded tension screw.

12. (Amended) The ~~An~~ adjustable tonneau cover of ~~for a cargo box as in~~ claim 11, further comprising a graduated measuring scale on each of said left and right rail so as to provide a measurement guide for accurate adjustment of ~~accurately adjust~~ said left and right ends ~~side~~ of said tensioning rail with ~~in~~ respect to the ~~said~~ left and right side rails ~~rail~~, respectively.

13. (Amended) The ~~An~~ adjustable tonneau cover of ~~for a cargo box as in~~ claim 12, wherein said openings ~~hole~~ defined by said front and rear block sections are ~~is~~ of a larger diameter than said threaded tension screw.

14. (Amended) The ~~An~~ adjustable tonneau cover of ~~for a cargo box as in~~ claim 8, wherein said left and right securing blocks are ~~block means is~~ fixedly connected to said left and right side rails, respectively, ~~end of said~~ ~~tensioning rail~~ and said left and right attachment blocks are ~~block means is~~ fixedly connected to the respective ends of the tensioning rail.

15. (Amended) An adjustable assembly for a tonneau cover used to cover a pickup truck cargo box, the cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, ~~a front wall and a rear end gate wall,~~ said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box, the adjustable assembly comprising:

left and right side rails connected to said left and right side walls, respectively;

an elongate tensioning rail having left and right ends, said tensioning rail extending from the left side rail to the right side rail, the tonneau cover attached to the tensioning rail; and

left and right adjustable threaded screw adjustment mechanisms, each of the respective adjustable threaded screw adjustment mechanisms having ~~left and right~~ side rail securing portions ~~attachment bracket mechanisms~~ connected to ~~said left and right~~ the respective side rails ~~respectively;~~ and ~~left and right~~ tensioning rail engagement ~~attachment~~ members engaged with said elongate tensioning rail; wherein each of said left and right side rail securing portions ~~attachment bracket mechanisms~~ include a threaded screw member, and each of the threaded screw members are positioned and arranged such that a force can be placed upon ~~on~~ the elongate

tensioning rail by each of the threaded screw members as said screw member is adjustably manipulated to force ~~drive~~ the tensioning rail away from the respective side rail securing portion ~~attachment bracket mechanism, thereby placing greater tension on the tonneau cover~~.

16. (Amended) The adjustable assembly of claim 15, wherein the tensioning rail includes a tensioning rail attachment chamber and each of said left and right tensioning rail engagement ~~attachment~~ members is engaged within the tensioning rail attachment chamber.

17. (Amended) The adjustable assembly of claim 16, wherein each of said left and right tensioning rail engagement ~~attachment~~ members extends below the side rail with which it is engaged such that the tensioning rail is restrained from being lifted away from the respective side rails when the respective engagement ~~attachment~~ members are engaged with the respective side rails.

18. (Amended) The adjustable assembly of claim 15, wherein each of the ~~pair of~~ threaded screw members is engaged in coaxially aligned openings in each of the respective side rail securing portions ~~attachment bracket mechanisms~~.

Claims 19-29 have been cancelled.

Claim 30 has been amended as follows:

30. (Amended) An adjustable assembly for a tonneau cover used to cover a pickup truck cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls

including left and right side walls, ~~a front wall and a rear end gate wall,~~ said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box, the adjustable assembly comprising:

left and right side rails connected to said left and right side walls, respectively;

an elongate tensioning rail having left and right ends, said elongate tensioning rail extending from said left side rail to said right side rail, the tonneau cover being attached to the elongate tensioning rail;

left and right side rail securing blocks ~~block mechanisms~~ connected to said left and right side rails, respectively; and

left and right tensioning rail engagement ~~attachment~~ blocks engaged with said left and right ends of said elongate tensioning rail, respectively, and adjustably engaged with ~~each slidingly engaging~~ the respective side rails ~~rail~~ proximate the respective ends of the elongate tensioning rail such that the elongate tensioning rail is adjustably ~~slidingly~~ engaged with the opposing left and right side rails and movable with respect thereto ~~in a generally orthogonal, constrained manner~~; wherein the left and right side rail securing blocks ~~attachment block mechanisms~~ include left and right screw members adjustably interconnecting the respective tensioning rail engagement blocks with the respective side rail securing blocks ~~contacting said tensioning rail~~.

Claim 31 has been cancelled.

New claims 33-39 have been added as follows:

33. (New) An adjustable tonneau cover apparatus for attachment to a cargo box of a pickup truck, the cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, the adjustable tonneau cover apparatus comprising:

a flexible tonneau cover;

left and right side rails attachable to said left and right side walls, respectively;

left and right adjustable threaded screw attachment mechanisms secured to the left and right side rails, respectively; each of the left and right threaded screw attachment mechanisms having a secured portion, secured to the respective side rail, and an adjustable portion; wherein the adjustable portion can be moved further away from or closer to the secured portion by adjusting the respective threaded screw attachment mechanism;

a tensioning rail engaged with a first end of the flexible tonneau cover; the tensioning rail having left and right ends, which are moveable further away from the secured portion of the respective threaded screw attachment mechanism, to place a greater tension on the tonneau cover, when the left and right side rails are attached to the left and right side walls, respectively, the respective ends of the tensioning rail are engaged with the adjustable portions of the respective adjustable threaded screw attachment mechanism and the respective adjustable

threaded screw attachment mechanisms are adjusted to move the adjustable portion further away from the secured portion.

34. (New) The adjustable tonneau cover securing apparatus of claim 33, wherein the respective adjustable threaded screw attachment mechanisms include a screw that passes through an opening in the secured portion.

35. (New) A method of maintaining an appropriate tension on a flexible tonneau cover attached to a cargo box of a pickup truck, the pickup truck cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box; the method comprising the steps of:

attaching an adjustable tonneau cover securing apparatus to the cargo box of the pickup truck, the step of attaching including securing the adjustable tonneau cover securing apparatus to left and right side walls of the cargo box; the adjustable tonneau cover securing apparatus including: left and right side rails attachable to said left and right side walls, respectively; left and right adjustable threaded screw attachment mechanisms secured to the left and right side rails, respectively; and a tensioning rail engaged with a first end of the flexible tonneau cover; each of the left and right threaded screw attachment mechanisms having a secured portion, secured to the respective left or right side rail; and an adjustable portion; wherein the adjustable portion can be moved further away from or closer to the secured portion by adjusting the respective threaded screw attachment mechanism; the tensioning rail having left and right ends,

which are moveable further away from the secured portion of the respective threaded screw attachment mechanism to place a greater tension on the tonneau cover when the left and right side rails are attached to the left and right side walls of the cargo box, respectively; the respective ends of the tensioning rail being engaged with the adjustable portions of the respective adjustable threaded screw attachment mechanism and the respective adjustable screw attachment mechanisms being adjustable to move the adjustable portion further away from the secured portion; and

adjusting the respective adjustable threaded screw attachment mechanisms to move the adjustable portion further away from the secured portion.

36. (New) An adjustable assembly for a cargo box cover for use on a cargo box having upwardly extending left and right side walls, the cargo box cover having left and right side rails connected to said left and right side walls, respectively, an elongate tensioning rail having left and right ends, said elongate tensioning rail extending from said left side rail to said right side rail, and a flexible cover fixedly attached to said elongate tensioning rail, said adjustable assembly comprising:

left and right adjustable threaded screw connection mechanisms; the threaded screw connection mechanisms including respective left and right secured portions secured to said left and right side rails, respectively; respective left and right adjustable screws engaged with the elongate tensioning rail so that the respective screws can be adjusted to force the elongated tensioning rail incrementally further away from the respective, left and right, secured portions.

37. (New) The adjustable assembly of claim 36, wherein said left and right secured portions are fixedly connected to said left and right side rails and said left and right adjustable portions are engaged with said left and right ends of said tensioning rail.

38. (New) An adjustable assembly for a tonneau cover used to cover a pickup truck cargo box, the cargo box having a plurality of upwardly extending walls, said plurality of upwardly extending walls including left and right side walls, said plurality of upwardly extending walls at least partially defining an interior compartment of the cargo box, the adjustable assembly comprising:

left and right side rails connected to said left and right side walls, respectively;

an elongate tensioning rail having left and right ends, said tensioning rail extending from the left side rail to the right side rail, the tonneau cover attached to the tensioning rail; and

left and right adjustable threaded screw adjustment mechanisms, each of the respective adjustable threaded screw adjustment mechanisms having side rail securing portions connected to the respective side rails; wherein each of said left and right side rail securing portions include a threaded screw member, and each of the threaded screw members are positioned and arranged such that a force can be placed upon the elongate tensioning rail by each of the threaded screw members as said screw member is adjustably manipulated to force the tensioning rail away from the respective side rail securing portion.